

**AMENDMENTS TO THE CLAIMS**

Claims 1-9 (canceled)

Claim 10 (currently amended):      ~~The~~ An apparatus ~~according to claim 9, further comprising for recording data and a visible image on an optical disk having at least a substrate surface, a label surface opposite to the substrate surface, a recording face interposed between the substrate surface and the label surface, and a reflection layer disposed under the recording face, the recording face being irradiated by a laser light through the substrate surface to record and reproduce data, the apparatus comprising:~~

an optical pickup having an objective lens for irradiating the laser light to the optical disk through the objective lens;

a feed means for moving the optical pickup in a radial direction of the optical disk;

a spindle motor for rotationally driving the optical disk; and

a host computer for controlling the recording of the data and the visible image, wherein the substrate surface of the optical disk faces to the optical pickup when the data is recorded into the recording face,

the label surface of the optical disk faces to the optical pickup when the visible image is recorded into the label surface, and

a distance between the optical lens and the optical disk is differentiated between a first case of recording the data on the recording face and a second case of recording the visible image on the label surface and wherein the apparatus further comprises a focus servomechanism for focusing the laser light onto the optical disk by means of the objective lens, such that a gain of the focus servomechanism is switched between the first case of recording the data on the recording face and the second case of recording the visible image on the label surface.

Claims 11-16 (canceled)

Claim 17 (currently amended):      ~~The An~~ apparatus according to claim 9, for recording data and a visible image on an optical disk having at least a substrate surface, a label surface opposite to the substrate surface, a recording face interposed between the substrate surface and the label surface, and a reflection layer disposed under the recording face, the recording face being irradiated by a laser light through the substrate surface to record and reproduce data, the apparatus comprising:

an optical pickup having an objective lens for irradiating the laser light to the optical disk through the objective lens;

a feed means for moving the optical pickup in a radial direction of the optical disk;

a spindle motor for rotationally driving the optical disk; and

a host computer for controlling the recording of the data and the visible image, wherein the substrate surface of the optical disk faces to the optical pickup when the data is recorded into the recording face,

the label surface of the optical disk faces to the optical pickup when the visible image is recorded into the label surface, and

a distance between the optical lens and the optical disk is differentiated between a first case of recording the data on the recording face and a second case of recording the visible image on the label surface and wherein the host computer checks if the label surface of the optical disk is set to face the optical pickup when the optical disk is set.

Claim 18 (canceled)